

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RONALD GEATHERS,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. 1:14-cv-00850-WSD-AJB
v.)	
)	
BANK OF AMERICA, N.A.,)	
)	
Defendant.)	
_____)	

**DEFENDANT BANK OF AMERICA, N.A.'S MEMORANDUM OF LAW IN
SUPPORT OF MOTION TO STAY PRE-TRIAL DEADLINES**

COMES NOW, Defendant Bank of America, N.A. (“BANA”) (“Defendant”), by and through counsel, and respectfully moves this Court for an Order staying certain pretrial deadlines set forth in the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Northern District of Georgia, pending a ruling on BANA’s Motion to Dismiss. In support of its Motion to Stay Pre-Trial Deadlines, BANA states as follows:

I. PROCEDURAL HISTORY

On March 25, 2014, Plaintiff filed a lawsuit in the Northern District of the United States District Court, Atlanta Division. BANA filed its Motion to Dismiss on April 15, 2014. Because the parties have not consented to begin discovery prior

to the thirty (30) day period following the appearance of a defendant by answer to the complaint, the discovery period has not yet commenced. See LR 26.2(A), N.D. Ga. (discovery period commences “thirty (30) days after the appearance of a defendant by *answer to the complaint*” (emphasis added)).

II. ARGUMENT AND CITATION OF AUTHORITY

The Court has broad discretion to control discovery and other pre-trial deadlines. Panola Land Buyers Ass’n v. Shuman, 762 F.2d 1550, 1560 (11th Cir. 1985) (holding that courts have “broad discretion to stay discovery until the district court rules on a pending dispositive motion”); see also LR 26.2B (“The court may, in its discretion, shorten or lengthen the time for discovery.”); Patterson v. U.S. Postal Serv., 901 F.2d 927, 929 (11th Cir. 1990) (holding that district court did not abuse its discretion in staying discovery because the court had “sufficient information before it upon which to rule”).

BANA moved to dismiss Plaintiff’s claims against it. Because the Court’s ruling on the Motion to Dismiss could dispose of all claims against BANA, it submits that compliance with certain of the early pre-trial obligations set forth in the Federal Rules and Local Rules would be premature at this juncture. The time and resources that the parties would expend in drafting initial disclosures, drafting a joint preliminary planning report and discovery plan and conducting a Rule 26(f)

conference will have been spent unnecessarily if the Court grants the Motion to Dismiss. Moreover, if the Court should decide that Plaintiff states a viable claim against BANA, the parties will not be prejudiced by a short delay of certain pre-trial deadlines.

Therefore, BANA requests that the Court temporarily stay the deadlines for: (1) the Rule 26(f) Early Planning Conference, see LR 16.1; (2) the Joint Preliminary Report and Discovery Plan, see LR 16.2; and (3) Initial Disclosures, see LR 26.1. BANA proposes that the parties comply with these three deadlines within 30 days of the Court's final ruling on BANA's Motion to Dismiss.

CONCLUSION

WHEREFORE, BANA respectfully requests that the Court grant its Motion to Stay Pre-Trial Deadlines.

This the 16th day of April, 2014.

/s/ Paul A. Rogers
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CERTIFICATE OF SERVICE, FONT AND MARGINS

I hereby certify that on April 16, 2014, I electronically filed the foregoing DEFENDANT BANK OF AMERICA, N.A.'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO STAY PRE-TRIAL DEADLINES with the Clerk of the Court using the CM/ECF System. I also certify that a copy was served on the following via First Class Mail addressed as follows:

Ronald Geathers
610 Vista Terrace
Stone Mountain, Georgia 30087
Plaintiff pro se

I further certify that I prepared this document in 14 point Times New Roman font and complied with the margin and type requirements of this Court.

/s/ Paul A. Rogers
Paul A. Rogers